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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/713,247
Filing Date: November 13, 2003
Appellant(s): BOYER, CHARLES E.

Alistair K. Chan (Reg. No. 44,603)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 25 January 2008 and Supplemental Portion

of the Appeal Brief filed 17 March 2008 appealing from the Office action mailed 26 July

2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. (Note: Appellant references the Final Office Action dated July 27, 2007, however, in the PTO records it was mailed 26 July 2007. This is the correct action however).

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,857,566	Wankmueller	2-2005
6,572,025	Nishikado et al.	6-2003
2002/0111830	Tahan	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wankmueller (U.S. Patent No. 6,857,566) in view of Nishikado et al. (U.S. Patent No.

6,572,025, from hereinafter "Nishikado").

Regarding claims 1, 8, and 16, Wankmueller teaches a high-security transaction

card including account representation information for an entity comprising a card body

having a perimeter and at least one face (payment card 10), and at least one

information symbol (barcode 20 encoded with at least one or more digits of the payment

account number) comprising a symbolic representation of coded data including the

account representation information wherein the symbol is located within the perimeter of

the face of the card and where the information encoded is not otherwise represented in

human-readable form on the card body so that the identification can only be made by

decoding the symbol. Regarding claim 4, Wankmueller teaches the use of a

conventional payment card, which is made of materials which are disposable (i.e.

cardboard and plastic). Further regarding claim 8, Wankmueller teaches the use of an

optical barcode reader at the point of sale terminal which is able to read the code,

generate a signal indicative of the symbol, and further decode the symbol so that the

information can be transferred back to human readable information (see Figure 1, col 3, lines 29-35 and col 3 line 65 to col 4 line 25).

Regarding claims 1, 8, and 16, although Wankmueller does indeed teach the use of a barcode symbol, Wankmueller fails to teach the use of a two dimensional binary symbol (i.e. two-dimensional barcode) and reader, and that entity identification information is stored within the coded data that is useable for comparing with a characteristic of the entity associated with the card.

Nishikado teaches a high-security transaction card (ID card 305) that comprises at least one two-dimensional binary information symbol (two dimensional codes 306a-306d for coding a password, name, signature, and the like) comprising a symbolic representation of coded data (see Figures 12-15, col 22 line 55 to col 23 line 40 and col 24). In addition, Nishikado teaches a tablet 327 which is an input device for inputting a character such as a user's signature which is to be verified with the data stored in the code (see Figure 14, col 26, lines 23-35). Further, Nishikado discloses that as a barcode reading device, an image scanner can be adopted. Nishikado discloses an information code reading apparatus (140) for reading information codes from an information code product with a code-including image which includes a unit of information codes with a specific color, in a desired region at a desired position, comprises: an image capturing member (141) for capturing data of the code-including image on the product (e.g., bar code sticker 101), an information code extracting member (142) for extracting the information codes by extracting an image with the specific color from the data of the code-including image captured by the image

capturing member, and a decoding member (143) for decoding the information codes

extracted by the information code extracting member (see Figure 5, col 17, lines 1-20).

Hence, Nishikado teaches two dimensional codes that are able to be read and that

store account information and entity identification information (via the two dimensional

codes 306a-306d for coding a password, name, signature, and the like) (see col 24).

In view of the teaching of Nishikado, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to employ the use of a two-

dimensional binary code and a reader for the code, because a two-dimensional code is

able to store more information within a card and hence is more cost effective (i.e. the

code can store more pertinent data such as name, address, account information etc.).

Also, a two-dimensional code is also able to maintain a shape that is easy for scanning

because it stores information in both horizontal and vertical directions. In addition, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to employ entity identification information along with account information so that

the user can be distinctly verified so that there is no fraudulent activity in the system.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wankmueller as modified by Nishikado and further in view of Tahan (U.S. Patent

Application Publication No. 2002/0111830). The teachings of Wankmueller as modified

by Nishikado are above.

Regarding claims 5-7, Wankmueller as modified by Nishikado fails to specifically

teach the high-security card in the embodiments of a library patron identification and

circulation control card, a building access card, or a medical information and patient history card.

Tahan teaches the use of an access code 54 for a medical patient including information which can be provided on a bracelet 52, or encoded onto a card 56 in the form of a barcode (see Figure 3, paragraphs 39-40).

In view of the teaching of Tahan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the high-security card in different embodiments because it is favorable to be able to add additional security to many different objects in order to retain customer information safely. It is favorable to maintain customer information safety so that the overall system can run efficiently (i.e. the customer's assets are protected, as well as the business' assets). Although Tahan teaches of a medical patient card, it is well known in the art that the realm of identification cards includes building access cards and library patron cards (i.e. these identification cards are all art-recognized equivalents).

(10) Response to Argument

In response to appellant's argument on pages 11 and 13-14 of the appeal brief, that the Nishikado reference teaches that critical information is provided on the card in human cognizable from with some, all, or more information represented in code form, such as a two dimensional barcode, examiner respectfully disagrees and submits that Nishikado teaches that the data is not in human cognizable form since the data is encoded into two dimensional codes which is read by machines. Support for the examiner's argument can be seen in col 24, line 34-37 of Nishikado which states "The

meaning 'units of two dimensional barcodes are hidden' is that the two dimensional

barcodes cannot be recognized so long as a person sees the code including image 306

ordinarily." Moreover, the purpose of the Nishikado reference is to show that it is well

known in the art to have a two dimensional barcode on a data card because of its

capability to store more data than a conventional one dimensional barcode. The

primary reference of Wankmueller teaches a barcode with account information, and

already teaches the limitation that the account data is not otherwise presented on the

card in human cognizable format. The barcode of Wankmueller is improved upon by

the invention of Nishikado, which teaches two dimensional codes that are able to be

read and that store account information and entity identification information (via the two

dimensional codes 306a-306d for coding a password, name, signature, and the like)

(see col 24).

Further, in response to appellant's argument on pages 12 and 14 of the appeal

brief, that Nishikado is an exceptionally complex system wherein information is encoded

into a two dimensional barcode and then is broken up into smaller pieces to be hidden

on the face of the card amongst other designs and patterns, examiner respectfully

disagrees and submits that although Nishikado may teach a more complex system of

breaking down two dimensional barcodes and re-positioning them, Nishikado does

indeed still teach that the card contains two dimensional barcodes that store a multitude

of information, and are an obvious variant of the one dimensional codes of

Wankmueller. Hence, it is appropriate to combine the Wankmueller and Nishikado

references in order to arrive at the instant invention. Nishikado serves to improve upon

the functionality of the Wankmueller data card.

Examiner would like to note that no specific arguments were made pertaining to

the Tahan reference, which is a secondary reference used to reject claims 5-7.

Appellant repeated the arguments for the Wankmueller and Nishikado references,

which the examiner addressed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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